## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

NORMAN A. SULLIVAN,	)	
	)	
Plaintiff,	)	Case No. 1:06-cv-63
	)	
v.	)	Judge Mattice
	)	
WAFFLE HOUSE 58 HWY;	)	
PATRICK CLARK; JEREMY GOFORTH;	)	
DAVID MILLER,	)	
	)	
Defendants.	)	

## **MEMORANDUM**

Norman A. Sullivan "(Sullivan") filed a *pro se* prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. (Court File No. 3). There is no record before the Court that process has been served upon defendants Jeremy Goforth and Patrick Clark or that the defendants have waived service of process. On January 10, 2007, this Court entered an order for plaintiff to show cause within ten days why this action should not be dismissed as to the defendants pursuant to FED. R. CIV. P. 4(m).

Plaintiff has failed to comply with the Court's order. Therefore, defendants Jeremy Goforth and Patrick Clark will be **DISMISSED** as defendants from this action for plaintiff's failure to timely serve the defendants with process, prosecute, and comply with the orders of this Court. FED. R. CIV. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

The Court's January 10, 2007 Order also directed plaintiff to inform the Court, within ten days of the entry of the Order, of his correct legal name. Plaintiff has failed to comply with the Court's Order. Accordingly, Plaintiff is hereby **ORDERED TO SHOW CAUSE**, within **ten** (10)

days from the entry of this Order, why this action should not be dismissed in its entirety for

plaintiff's failure to abide by this Court's order to inform the Court of his correct legal name.

Jourdan v. Jabe, 951 F.2d 108 (6th Cir. 1991). Plaintiff is NOTIFIED that failure to respond to

this Order within ten (10) days from the date of this Order will result in the dismissal of this action

in its entirety.

An order will enter.

s/ Harry S. Mattice, Jr.

HARRY S. MATTICE, JR.

UNITED STATES DISTRICT JUDGE

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